

Amendments to the Drawings:

The attached replacement drawing sheets make changes to Figs. 2(a), 2(b), 5, 6(a), 6(b), 6(c), 14(a) and 14(b) and replace the original sheets with Figs. 2(a), 2(b), 5, 6(a), 6(b), 6(c), 14(a) and 14(b).

Attachment: Replacement Sheets

REMARKS

Claims 1-16, 21 and 22 are pending in this application. Applicant appreciates the Office Action's indication that claim 4 contains allowable subject matter.

By this Amendment, claim 4 is rewritten into independent form. Claims 1-3, 13 and 14 are amended for better clarity. Claims 17-20 are canceled due to the finality of the Restriction Requirement. Claims 21 and 22 are added to recite additional features disclosed in the specification at, for example, Fig. 1. Figs. 2(a), 2(b), 5, 6(a), 6(b), 6(c), 14(a) and 14(b) are amended to be designated as "related art."

Reconsideration of the application is respectfully requested.

Applicant thanks Examiner Xu for the courtesy extended to Applicant's representative, Mr. Luo, during the April 4, 2006 personal interview. The substance of the personal interview is incorporated in the following remarks.

I. The Office Action objects to the drawings. Figs. 2(a), 2(b), 5, 6(a), 6(b), 6(c), 14(a) and 14(b) are amended, as discussed above, to overcome this objection. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

II. The Office Action rejects claims 1-16 under 35 U.S.C. §112, second paragraph. Claims 1, 2, 13 and 14 are amended, as discussed above, to overcome this rejection. Accordingly, withdrawal of the rejection of claims 1-16 under 35 U.S.C. §112, second paragraph, is respectfully requested.

III. The Office Action provisionally rejects claims 1-3 and 5-16 under the judicially created non-statutory obviousness-type double patenting over copending application No. 10/778,051 or copending application No. 10,475,331, and in view of U.S. Patent Application Publication 2002/0175451 to Vance et al. (hereinafter "Vance"). None of the copending applications has issued. Thus, the scope of the issued claims of the copending application is uncertain at this time, because the claims of the copending applications may be amended during prosecution. For example, it appears that claims 1-12 of copending application 10/475,331 have

been canceled. Accordingly, Applicant will consider filing a Terminal Disclaimer, only when necessary, at a later time.

IV. The Office Action rejects claims 1-3, 7, 8 and 13-16 under 35 U.S.C. §102(b) over U.S. Patent 4,519,820 to Oyobe et al. (hereinafter "Oyobe"). This rejection is respectfully traversed.

The Office Action asserts that Oyobe discloses all elements recited in claims 1 and 13. However, Oyobe does not disclose or suggest specified cells being plugged at one of two end faces and the remaining cells being plugged at other end face alternately, and there are at least two kinds of cells different from each other in their cross-sectional areas perpendicular to the flow direction of a fluid to be filtered due to different interval pitches of the partition walls in the x axis direction and/or different interval pitches of the partition walls in the y axis direction, as recited in claims 1 and 13.

Oyobe discloses a honeycomb structure. See Fig. 1 and col. 3, lines 30-40. The Office Action asserts that Oyobe discloses, in Fig. 10(a) and at col. 5, lines 40-50, two types of cells that are different from each other in cross-sectional areas. However, in the embodiment shown in Fig. 10(a) of Oyobe, plugs 4 are provided inside cells 3, and are away from the end face by a distance defined by spaces 5. See Fig. 10(b), and col. 5, lines 29-49. Oyobe does not disclose or suggest, in the embodiment shown in Figs. 10(a) and 10(b), that plugs 4 are provided at the end face of cells 3. Therefore, Oyobe does not disclose or suggest specified cells being plugged at one of two end faces and the remaining cells being plugged at other end face alternately, and there are at least two kinds of cells different from each other in their cross-sectional areas perpendicular to the flow direction of a fluid to be filtered due to different interval pitches of the partition walls in the x axis direction and/or different interval pitches of the partition walls in the y axis direction.

For at least the above reasons, Oyobe does not disclose each and every element recited in claims 1 and 13, and claims 2, 3, 7, 8 and 14-16 depending therefrom. Accordingly,

withdrawal of the rejection of claims 1-3, 7, 8 and 13-16 under 35 U.S.C. §102(b) is respectfully requested.

V. The Office Action rejects claims 1-3, 5-13, 15 and 16 under 35 U.S.C. §102(e) over U.S. Patent Application Publication 2004/0131512 to Abe et al. (hereinafter "Abe"). This rejection is respectfully traversed.

The Office Action asserts that Abe discloses all elements recited in claims 1 and 13. However, Ichikawa does not disclose or suggest that, in a cross-section pattern, each partition wall constitutes a straight line extending across an entire area of the cross-section pattern, as recited in claims 1 and 13.

Abe discloses a honeycomb structure in which different cells may have different cross-section areas. See Figs. 2 and 3. However, the difference between the cross-section areas of different cells is caused by different densities of partition walls. As shown in Figs. 2 and 3 of Abe, because of the difference between densities of partition walls, some partition walls do not constitute straight lines that extend across the entire area of the cross-section of the honeycomb structure. Thus, Abe does not disclose or suggest that, in a cross-section pattern, each partition wall constitutes a straight line extending across an entire area of the cross-section pattern.

For at least the above reason, Abe does not disclose each and every element recited in claims 1 and 13, and claims 2, 3, 5-12, 15 and 16 depending therefrom. Accordingly, withdrawal of the rejection of claims 1-3, 5-13, 15 and 16 under 35 U.S.C. §102(e) is respectfully requested.

VI. The Office Action rejects claims 1-3, 5-13, 15 and 16 under 35 U.S.C. §102(e) over U.S. Patent application Publication 2004/0123573 to Ichikawa et al. (hereinafter "Ichikawa"). This rejection is respectfully traversed.

The Office Action asserts that Ichikawa discloses all elements recited in claims 1 and 13. However, Ichikawa does not disclose or suggest specified cells being plugged at one of two end faces and the remaining cells being plugged at other end face alternately, and there are at

least two kinds of cells different from each other in their cross-sectional areas perpendicular to the flow direction of a fluid to be filtered due to different interval pitches of the partition walls in the x axis direction and/or different interval pitches of the partition walls in the y axis direction, as recited in claims 1 and 13.

Ichikawa discloses a honeycomb structure in which different cells may have different cross-section areas. See Fig. 3(b). However, the difference between the cross areas of different cells is caused by different partition wall thicknesses. See Fig. 3(b). Ichikawa does not disclose or suggest a difference between cross-section areas of different cells due to different interval pitches of partition walls. Therefore, Ichikawa does not disclose or suggest specified cells being plugged at one of two end faces and the remaining cells being plugged at other end face alternately, and there are at least two kinds of cells different from each other in their cross-sectional areas perpendicular to the flow direction of a fluid to be filtered due to different interval pitches of the partition walls in the x axis direction and/or different interval pitches of the partition walls in the y axis direction.

For at least the above reason, Ichikawa does not disclose each and every element recited in claims 1 and 13, and claims 2, 3, 5-12, 15 and 16 depending therefrom. Accordingly, withdrawal of the rejection of claims 1-3, 5-13, 15 and 16 under 35 U.S.C. §102(e) is respectfully requested.

VII. The Office Action rejects claims 5, 6 and 9-12 under 35 U.S.C. §103(a) over Oyobe in view of Vance. This rejection is respectfully traversed.

In particular, Vance does not disclose or suggest specified cells being plugged at one of two end faces and the remaining cells being plugged at other end face alternately, and there are at least two kinds of cells different from each other in their cross-sectional areas perpendicular to the flow direction of a fluid to be filtered due to different interval pitches of the partition walls in the x axis direction and/or different interval pitches of the partition walls in the y axis direction, as recited in claim 1. Therefore, Vance does not supply the subject matter lacking in

Oyobe. Accordingly, Oyobe and Vance, either individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claims 5, 6 and 9-12 depending therefrom. Accordingly, withdrawal of the rejection of claims 5, 6 and 9-12 under 35 U.S.C. §103(a) is respectfully requested.

VIII. New claims 21 and 22 are patentable at least in view of the patentability of claims 1 and 13, from which they respectfully depend, as well as for additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:GXL/sqb

Attachment:

Petition for Extension of Time
Replacement Sheets

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